



Rep. Brian W. Stewart

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LRB099 18292 HLH 45691 a

1 AMENDMENT TO HOUSE BILL 4567

2 AMENDMENT NO. _____. Amend House Bill 4567 on page 1, by
3 replacing lines 4 through 6 with the following:

4 "Section 5. The Renewable Energy, Energy Efficiency, and
5 Coal Resources Development Law of 1997 is amended by changing
6 Section 6-5 and by adding Section 6-8 as follows:

7 (20 ILCS 687/6-5)

8 (Section scheduled to be repealed on December 31, 2020)

9 Sec. 6-5. Renewable Energy Resources and Coal Technology
10 Development Assistance Charge.

11 (a) Notwithstanding the provisions of Section 16-111 of the
12 Public Utilities Act but subject to subsection (e) of this
13 Section, each public utility, electric cooperative, as defined
14 in Section 3.4 of the Electric Supplier Act, and municipal
15 utility, as referenced in Section 3-105 of the Public Utilities
16 Act, that is engaged in the delivery of electricity or the

1 distribution of natural gas within the State of Illinois shall,
2 effective January 1, 1998, assess each of its customer accounts
3 a monthly Renewable Energy Resources and Coal Technology
4 Development Assistance Charge. The delivering public utility,
5 municipal electric or gas utility, or electric or gas
6 cooperative for a self-assessing purchaser remains subject to
7 the collection of the fee imposed by this Section. The monthly
8 charge shall be as follows:

9 (1) \$0.05 per month on each account for residential
10 electric service as defined in Section 13 of the Energy
11 Assistance Act;

12 (2) \$0.05 per month on each account for residential gas
13 service as defined in Section 13 of the Energy Assistance
14 Act;

15 (3) \$0.50 per month on each account for nonresidential
16 electric service, as defined in Section 13 of the Energy
17 Assistance Act, which had less than 10 megawatts of peak
18 demand during the previous calendar year;

19 (4) \$0.50 per month on each account for nonresidential
20 gas service, as defined in Section 13 of the Energy
21 Assistance Act, which had distributed to it less than
22 4,000,000 therms of gas during the previous calendar year;

23 (5) \$37.50 per month on each account for nonresidential
24 electric service, as defined in Section 13 of the Energy
25 Assistance Act, which had 10 megawatts or greater of peak
26 demand during the previous calendar year; and

1 (6) \$37.50 per month on each account for nonresidential
2 gas service, as defined in Section 13 of the Energy
3 Assistance Act, which had 4,000,000 or more therms of gas
4 distributed to it during the previous calendar year.

5 (b) The Renewable Energy Resources and Coal Technology
6 Development Assistance Charge assessed by electric and gas
7 public utilities shall be considered a charge for public
8 utility service.

9 (c) Fifty percent of the moneys collected pursuant to this
10 Section shall be deposited in the Renewable Energy Resources
11 Trust Fund by the Department of Revenue. The remaining 50
12 percent of the moneys collected pursuant to this Section shall
13 be deposited in the Coal Technology Development Assistance Fund
14 by the Department of Revenue for the exclusive purposes of (1)
15 capturing or sequestering carbon emissions produced by coal
16 combustion; (2) supporting research on the capture and
17 sequestration of carbon emissions produced by coal combustion;
18 and (3) improving coal miner safety.

19 (d) By the 20th day of the month following the month in
20 which the charges imposed by this Section were collected, each
21 utility and alternative retail electric supplier collecting
22 charges pursuant to this Section shall remit to the Department
23 of Revenue for deposit in the Renewable Energy Resources Trust
24 Fund and the Coal Technology Development Assistance Fund all
25 moneys received as payment of the charge provided for in this
26 Section on a return prescribed and furnished by the Department

1 of Revenue showing such information as the Department of
2 Revenue may reasonably require.

3 If any payment provided for in this Section exceeds the
4 utility or alternate retail electric supplier's liabilities
5 under this Act, as shown on an original return, the utility or
6 alternative retail electric supplier may credit the excess
7 payment against liability subsequently to be remitted to the
8 Department of Revenue under this Act.

9 (e) The charges imposed by this Section shall only apply to
10 customers of municipal electric or gas utilities and electric
11 or gas cooperatives if the municipal electric or gas utility or
12 electric or gas cooperative makes an affirmative decision to
13 impose the charge. If a municipal electric or gas utility or an
14 electric or gas cooperative makes an affirmative decision to
15 impose the charge provided by this Section, the municipal
16 electric or gas utility or electric or gas cooperative shall
17 inform the Department of Revenue in writing of such decision
18 when it begins to impose the charge. If a municipal electric or
19 gas utility or electric or gas cooperative does not assess this
20 charge, its customers shall not be eligible for the Renewable
21 Energy Resources Program.

22 (f) The Department of Revenue may establish such rules as
23 it deems necessary to implement this Section.

24 (Source: P.A. 95-481, eff. 8-28-07.)"; and

25 on page 1, line 9, by deleting "3,"; and

1 on page 1, line 10, immediately after "10,", by inserting "11,
2 11a, 12,"; and

3 on page 108, by replacing lines 10 and 11 with the following:

4 "Section 90. The Energy Assistance Act is amended by
5 changing Section 13 and by adding Section 19 as follows:

6 (305 ILCS 20/13)

7 (Section scheduled to be repealed on December 31, 2018)

8 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

9 (a) The Supplemental Low-Income Energy Assistance Fund is
10 hereby created as a special fund in the State Treasury. The
11 Supplemental Low-Income Energy Assistance Fund is authorized
12 to receive moneys from voluntary donations from individuals,
13 foundations, corporations, and other sources, moneys received
14 pursuant to Section 17, and, by statutory deposit, the moneys
15 collected pursuant to this Section. The Fund is also authorized
16 to receive voluntary donations from individuals, foundations,
17 corporations, and other sources, as well as contributions made
18 in accordance with Section 507MM of the Illinois Income Tax
19 Act. Subject to appropriation, the Department shall use moneys
20 from the Supplemental Low-Income Energy Assistance Fund for
21 payments to electric or gas public utilities, municipal
22 electric or gas utilities, and electric cooperatives on behalf

1 of their customers who are participants in the program
2 authorized by Sections 4 and 18 of this Act, for the provision
3 of weatherization services and for administration of the
4 Supplemental Low-Income Energy Assistance Fund. The yearly
5 expenditures for weatherization may not exceed 10% of the
6 amount collected during the year pursuant to this Section. The
7 yearly administrative expenses of the Supplemental Low-Income
8 Energy Assistance Fund may not exceed 10% of the amount
9 collected during that year pursuant to this Section, except
10 when unspent funds from the Supplemental Low-Income Energy
11 Assistance Fund are reallocated from a previous year; any
12 unspent balance of the 10% administrative allowance may be
13 utilized for administrative expenses in the year they are
14 reallocated.

15 (b) Notwithstanding the provisions of Section 16-111 of the
16 Public Utilities Act but subject to subsection (k) of this
17 Section, each public utility, electric cooperative, as defined
18 in Section 3.4 of the Electric Supplier Act, and municipal
19 utility, as referenced in Section 3-105 of the Public Utilities
20 Act, that is engaged in the delivery of electricity or the
21 distribution of natural gas within the State of Illinois shall,
22 effective January 1, 1998, assess each of its customer accounts
23 a monthly Energy Assistance Charge for the Supplemental
24 Low-Income Energy Assistance Fund. The delivering public
25 utility, municipal electric or gas utility, or electric or gas
26 cooperative for a self-assessing purchaser remains subject to

1 the collection of the fee imposed by this Section. The monthly
2 charge shall be as follows:

3 (1) \$0.48 per month on each account for residential
4 electric service;

5 (2) \$0.48 per month on each account for residential gas
6 service;

7 (3) \$4.80 per month on each account for non-residential
8 electric service which had less than 10 megawatts of peak
9 demand during the previous calendar year;

10 (4) \$4.80 per month on each account for non-residential
11 gas service which had distributed to it less than 4,000,000
12 therms of gas during the previous calendar year;

13 (5) \$360 per month on each account for non-residential
14 electric service which had 10 megawatts or greater of peak
15 demand during the previous calendar year; and

16 (6) \$360 per month on each account for non-residential
17 gas service which had 4,000,000 or more therms of gas
18 distributed to it during the previous calendar year.

19 The incremental change to such charges imposed by this
20 amendatory Act of the 96th General Assembly shall not (i) be
21 used for any purpose other than to directly assist customers
22 and (ii) be applicable to utilities serving less than 100,000
23 customers in Illinois on January 1, 2009.

24 In addition, electric and gas utilities have committed, and
25 shall contribute, a one-time payment of \$22 million to the
26 Fund, within 10 days after the effective date of the tariffs

1 established pursuant to Sections 16-111.8 and 19-145 of the
2 Public Utilities Act to be used for the Department's cost of
3 implementing the programs described in Section 18 of this
4 amendatory Act of the 96th General Assembly, the Arrearage
5 Reduction Program described in Section 18, and the programs
6 described in Section 8-105 of the Public Utilities Act. If a
7 utility elects not to file a rider within 90 days after the
8 effective date of this amendatory Act of the 96th General
9 Assembly, then the contribution from such utility shall be made
10 no later than February 1, 2010.

11 (c) For purposes of this Section:

12 (1) "residential electric service" means electric
13 utility service for household purposes delivered to a
14 dwelling of 2 or fewer units which is billed under a
15 residential rate, or electric utility service for
16 household purposes delivered to a dwelling unit or units
17 which is billed under a residential rate and is registered
18 by a separate meter for each dwelling unit;

19 (2) "residential gas service" means gas utility
20 service for household purposes distributed to a dwelling of
21 2 or fewer units which is billed under a residential rate,
22 or gas utility service for household purposes distributed
23 to a dwelling unit or units which is billed under a
24 residential rate and is registered by a separate meter for
25 each dwelling unit;

26 (3) "non-residential electric service" means electric

1 utility service which is not residential electric service;
2 and

3 (4) "non-residential gas service" means gas utility
4 service which is not residential gas service.

5 (d) Within 30 days after the effective date of this
6 amendatory Act of the 96th General Assembly, each public
7 utility engaged in the delivery of electricity or the
8 distribution of natural gas shall file with the Illinois
9 Commerce Commission tariffs incorporating the Energy
10 Assistance Charge in other charges stated in such tariffs,
11 which shall become effective no later than the beginning of the
12 first billing cycle following such filing.

13 (e) The Energy Assistance Charge assessed by electric and
14 gas public utilities shall be considered a charge for public
15 utility service.

16 (f) By the 20th day of the month following the month in
17 which the charges imposed by the Section were collected, each
18 public utility, municipal utility, and electric cooperative
19 shall remit to the Department of Revenue all moneys received as
20 payment of the Energy Assistance Charge on a return prescribed
21 and furnished by the Department of Revenue showing such
22 information as the Department of Revenue may reasonably
23 require; provided, however, that a utility offering an
24 Arrearage Reduction Program pursuant to Section 18 of this Act
25 shall be entitled to net those amounts necessary to fund and
26 recover the costs of such Program as authorized by that Section

1 that is no more than the incremental change in such Energy
2 Assistance Charge authorized by this amendatory Act of the 96th
3 General Assembly. If a customer makes a partial payment, a
4 public utility, municipal utility, or electric cooperative may
5 elect either: (i) to apply such partial payments first to
6 amounts owed to the utility or cooperative for its services and
7 then to payment for the Energy Assistance Charge or (ii) to
8 apply such partial payments on a pro-rata basis between amounts
9 owed to the utility or cooperative for its services and to
10 payment for the Energy Assistance Charge.

11 If any payment provided for in this Section exceeds the
12 public utility, municipal utility, or electric cooperative's
13 liabilities under this Act, as shown on an original return, the
14 public utility, municipal utility, or electric cooperative may
15 credit the excess payment against liability subsequently to be
16 remitted to the Department of Revenue under this Act.

17 (g) The Department of Revenue shall deposit into the
18 Supplemental Low-Income Energy Assistance Fund all moneys
19 remitted to it in accordance with subsection (f) of this
20 Section; provided, however, that the amounts remitted by each
21 utility shall be used to provide assistance to that utility's
22 customers. The utilities shall coordinate with the Department
23 to establish an equitable and practical methodology for
24 implementing this subsection (g) beginning with the 2010
25 program year.

26 (h) On or before December 31, 2002, the Department shall

1 prepare a report for the General Assembly on the expenditure of
2 funds appropriated from the Low-Income Energy Assistance Block
3 Grant Fund for the program authorized under Section 4 of this
4 Act.

5 (i) The Department of Revenue may establish such rules as
6 it deems necessary to implement this Section.

7 (j) The Department of Commerce and Economic Opportunity may
8 establish such rules as it deems necessary to implement this
9 Section.

10 (k) The charges imposed by this Section shall only apply to
11 customers of municipal electric or gas utilities and electric
12 or gas cooperatives if the municipal electric or gas utility or
13 electric or gas cooperative makes an affirmative decision to
14 impose the charge. If a municipal electric or gas utility or an
15 electric cooperative makes an affirmative decision to impose
16 the charge provided by this Section, the municipal electric or
17 gas utility or electric cooperative shall inform the Department
18 of Revenue in writing of such decision when it begins to impose
19 the charge. If a municipal electric or gas utility or electric
20 or gas cooperative does not assess this charge, the Department
21 may not use funds from the Supplemental Low-Income Energy
22 Assistance Fund to provide benefits to its customers under the
23 program authorized by Section 4 of this Act.

24 In its use of federal funds under this Act, the Department
25 may not cause a disproportionate share of those federal funds
26 to benefit customers of systems which do not assess the charge

1 provided by this Section.

2 This Section is repealed effective December 31, 2018 unless
3 renewed by action of the General Assembly. The General Assembly
4 shall consider the results of the evaluations described in
5 Section 8 in its deliberations.

6 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16.)"; and

7 on page 108, line 14, by deleting "3,"; and

8 on page 108, line 15, immediately after "10,", by inserting
9 "11, 11a, 12,".